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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,085	03/26/2004	Alan W. Grattan	01-7121	8194
32681	7590	05/03/2006	EXAMINER	
PLANTRONICS, INC. 345 ENCINAL STREET P.O. BOX 635 SANTA CRUZ, CA 95060-0635			ENSEY, BRIAN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,085

Applicant(s)

GRATTAN ET AL.

Examiner

Brian Ensey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “eyelet” of claims 8 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the coils" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the coils" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 9-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poutiatine US 2002/0023814 in view of Smith US 2002/0181729.

Regarding claim 1, Poutiatine discloses a communications headset comprising: an earbud with a speaker (31) to be disposed near the ear of a headset user; a microphone (33); an electrical connector (29) designed to couple with a communications device; an electrical cord with a first end coupled to the earbud and a second end coupled to the electrical connector (12,30,28) (See Poutiatine Fig. 1 and paragraph 0031). Poutiatine does not expressly disclose a spring cord with a first end coupled to the earbud and a second end coupled to the microphone, wherein the microphone is capable of bi-directional movement with associated extension and retraction of the spring cord. However, the use of spring cords in headsets is well-known in the art and Smith teaches a spring cord (16) that may be stretched to accommodate the movements of the user and provide strain relief for the twisted cable running therethrough to couple an ear piece to a communication device (See Smith Figs. 1 and 2 and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the spring cord of Smith in the headset of Poutiatine to accommodate the movements of the user and provide strain relief for the cable.

Regarding claim 2, the combination of Poutiatine in view of Smith further discloses the electrical cord is disposed within the coils of the spring cord (See Smith paragraph 0020).

Regarding claim 3, the combination of Poutiatine in view of Smith further discloses the bi-directional movement of the microphone (33) is along an axis defined by the electrical cord (12) (It is inherent that the microphone can only move in a direction along the axis in which the spring cord is stretched and in which the electrical cord is disposed).

Regarding claim 4, the combination of Poutiatine in view of Smith further discloses the microphone (33) is positioned by gravity away from the earbud (31) by extending the spring (It

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is inherent that the weight of the microphone will be positioned away from the earbud by gravity when the earbud is in the ear of the user).

Regarding claim 5, the combination of Poutiatine in view of Smith further discloses the microphone is positioned by a user away from the earbud by extending the spring cord, and wherein the microphone is automatically returned towards the earbud upon release by the user for hands free operation or headset storage.

Regarding claim 6, the combination of Poutiatine in view of Smith further discloses a cord retractor (10) along the electrical cord between the earbud and electrical connector for retracting the electrical cord (See Poutiatine Fig. 1 and paragraph 0031).

Regarding claim 7, the combination of Poutiatine in view of Smith further discloses the cord retractor is an uptake cord storage reel (See Poutiatine Fig. 1 and paragraph 0031).

Regarding claim 9, Poutiatine discloses a communications headset comprising: an earbud with a speaker (31) to be disposed near the ear of a headset user; a microphone (33); an electrical connector (29) designed to couple with a communications device; an electrical cord with a first end coupled to the earbud and a second end coupled to the electrical connector (12,30,28) (See Poutiatine Fig. 1 and paragraph 0031). Poutiatine does not expressly disclose a spring cord with a first end coupled to the earbud and a second end coupled to the microphone, wherein the electrical cord is disposed within the coils of the spring cord and the relative position of the microphone along the electrical cord defines a plurality of microphone positions comprising: a storage position associated with the spring cord in a retracted status; a first use position for hands free operation whereby the spring cord is in a first extended position due to the weight of the microphone; and a second use position for improved signal to noise ratio whereby the spring cord is in a second extended position due to user applied force. However, the use of spring cords

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in headsets is well-known in the art and Smith teaches a spring cord (16) that may be coupled between the earbud and microphone and stretched to accommodate the movements of the user defining a plurality of microphone positions comprising: a storage position associated with the spring cord in a retracted status; a first use position for hands free operation whereby the spring cord is in a first extended position due to the weight of the microphone (Inherent due to the weight of the microphone acting against the tension of the spring cord); and a second use position for improved signal to noise ratio (Inherent due to increased separation between the microphone and earbud) whereby the spring cord is in a second extended position due to user applied force and provide strain relief for the twisted cable running therethrough to couple an ear piece to a communication device (See Smith Figs. 1 and 2 and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the spring cord of Smith in the headset of Poutiatine to accommodate the movements of the user and provide strain relief for the cable.

Regarding claim 10, the combination of Poutiatine in view of Smith further discloses a cord retractor (10) disposed between the connector and earbud, wherein the cord retractor winds the electrical cord between the connector and earbud when the microphone is in the storage position (See Poutiatine Fig. 1 and paragraph 0031).

Regarding claim 11, the combination of Poutiatine in view of Smith further discloses the cord retractor is an uptake cord storage reel (See Poutiatine Fig. 1 and paragraph 0031).

Regarding claim 12, the combination of Poutiatine in view of Smith further discloses a spring cord retraction force automatically returns the microphone from the second use position to the first use position upon termination of the user applied force.

Regarding claims 13 and 14, the combination of Poutiatine in view of Smith does not expressly disclose the distance of electrical cord between the corresponding microphone position and earbud is 9-11 centimeters in the first use position and the distance of electrical cord between the corresponding microphone position and earbud is 19-21 centimeters in the second use position. However, the combination of Poutiatine in view of Smith does not limit the distance between the earbud and the microphone and the distance is inherently shorter when the spring cord is in a non-stretched (first use) position than in a stretched (second use) position. Further, the distance between the ear of a person and the mouth of each user will vary and a typical distance between the mouth and ear of a person is 15 centimeters. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the combination of Poutiatine in view of Smith with a first use position in a range less than 15 centimeters to position the microphone away from the user's mouth and a second use position in a range of greater than 15 centimeters to position the microphone closer to the user's mouth.

Regarding claim 16, Poutiatine discloses a communications headset comprising; a speaker means (31) for outputting receive voice signals from a far end user; a microphone means (33) for detecting transmit voice signals from a headset user; a connector means (29) for coupling the headset to a communications device; a cord means (12,28,30) with a first end coupled to the speaker means and a second end coupled to the connector means (See Poutiatine Fig. 1 and paragraph 0031). Poutiatine does not expressly disclose a spring means with a first end coupled to the speaker means and a second end coupled to the microphone means, wherein the microphone is capable of bi-directional movement with associated extension and retraction of the spring means. However, the use of spring means in headsets is well-known in the art and Smith teaches a spring means (16) that may be stretched to accommodate the movements of the

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user and provide strain relief for the twisted cable running therethrough to couple an ear piece to a communication device (See Smith Figs. 1 and 2 and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the spring means of Smith in the headset of Poutiatine to accommodate the movements of the user and provide strain relief for the cable.

Regarding claim 17, Poutiatine discloses a retractor means (10) disposed between the speaker means (31) and connector means (29) for storing the cord means (12,28,30) (See Poutiatine Fig. 1 and paragraph 0031).

Regarding claim 18, Poutiatine discloses a method for improving signal to noise ratio in a communications headset comprising; providing an earbud (31), a microphone (33), a connector (29), an electrical cord (12,28,30) with a first end coupled to the earbud and a second end coupled to the electrical connector (See Poutiatine Fig. 1 and paragraph 0031). Poutiatine does not expressly disclose a spring cord with a first end coupled to the earbud and a second end coupled to the microphone, wherein the electrical cord is disposed in the spring cord; positioning the microphone along the electrical cord away from the earbud with a user applied force, wherein signal to noise ratio is improved; and automatically retracting the microphone along the electrical cord towards the earbud upon termination of the user applied force, wherein the spring cord provides the retraction force to position the microphone for hands free operation. However, the use of spring cords in headsets is well-known in the art and Smith teaches a spring cord (16) that may be coupled between the earbud and microphone and stretched to position the microphone along the electrical cord away from the earbud with a user applied force, wherein signal to noise ratio is improved (Inherent due to increased separation between the microphone and earbud); and automatically retracting the microphone along the electrical cord towards the earbud upon

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termination of the user applied force, wherein the spring cord provides the retraction force to position the microphone for hands free operation (See Smith Figs. 1 and 2 and paragraph 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the spring cord of Smith in the headset of Poutiatine to accommodate the movements of the user and provide strain relief for the cable.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Poutiatine in view of Smith as applied to claims 1 and 9 above, and further in view of Hwang US Patent Application Publication 2002/0090099.

Regarding claims 8 and 15, the combination of Poutiatine in view of Smith disclose a communication headset as claimed. The combination of Poutiatine in view of Smith does not expressly disclose the microphone comprises a housing with an eyelet for coupling with the electrical cord. However, the use of eyelets for microphone positioning is well known in the art and Hwang teaches a microphone housing (104) with an eyelet (212) for coupling with the electrical cord (See Hwang Fig. 2 and paragraph 0019). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the eyelet of Hwang in the combination of Poutiatine in view of Smith to adjust or position the microphone along the body and maintain it in a particular position as desired by the user (See Hwang paragraph 0019).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

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Or faxed to:

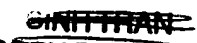
(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".
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BKE
April 28, 2006


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